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BY ECF

Hon. Nicholas Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Eddie Pressley
Criminal Docket No. 03-0297 (S-3) (NGG)

Dear Judge Garaufis:

I recently received a call from Your Honor's chambers inquiring if I would be available to be reassigned to represent Eddie Pressley, the defendant in the above matter, in connection with a motion for resentencing which was brought, *pro se* by Mr. Pressley, before the Court in July of this year. Previously, I had represented Mr. Pressley through the time of his sentence by the Court in June of 2005. Although I advised your law clerk that I would accept the assignment, after now refamiliarizing myself with the history of this litigation, and consulting with the U.S. Attorney's Office, I do not believe that I can be reappointed to represent Mr. Pressley due to an actual conflict of interest.

Specifically, following the exhaustion of his direct appeal -- one in which I did not represent him due to a "falling out" of sorts -- on or about February 18, 2008, Mr. Pressley commenced an action pursuant to 28 U.S.C 2255, *Pressley v. United States*, Civil Docket No. 08-695 (NGG), to vacate his conviction based upon, principally, his claim that I failed to provide him with effective assistance of counsel. This claim was predicated upon Mr. Pressley's contention that I somehow offered him less than reasonable advice regarding the Court's power, for sentencing purposes, to aggregate the total quantity of drugs sold by Mr. Pressley and his coconspirators over the period charged in the Indictment. I was never asked by either Mr. Pressley nor the Government to provide an affidavit in support or opposition to this motion. According to the docket

sheet entries on this civil matter, the Court has not yet issued its decision and order on this motion.

Due to the patent conflict of interest presented, I would ask that the Court appoint another attorney to assist Mr. Pressley in connection with his instant application.

Thank you for your consideration.

Respectfully submitted,

/s/

Frederick L. Sosinsky

FLS:bms

cc: Moe Fodeman, Esq.
Assistant U.S. Attorney